

40E-2.011 — Policy and Purpose.

(1) It is the policy of the District to control all water uses within its boundaries, pursuant to the provisions of Chapter 373, Florida Statutes, and Chapter 17-40 and Title 40E, F.A.C.

(2) The rules in this chapter implement the comprehensive water use permit system contemplated in Part II of Chapter 373, Florida Statutes.

(3) Additional rules relating to water use are found in Chapter 40E-5 (Artificial Recharge), Chapter 40E-8 (Minimum Flows and Levels), Chapter 40E-20 (General Water Use Permits), Chapter 40E-21 (The Water Shortage Plan), Chapter 40E-22 (Regional Water Shortage Plans) and Chapter 40E-23 (Critical Water Supply Problem Areas).

(4) Standards for the construction, repair and abandonment of water wells are found in Chapter 40E-3 (Water Wells) and Chapter 40E-30 (General Permits for Water Wells).

Specific Authority 373.044, 373.113, 373.171 FS.

Law Implemented 373.103(1), 373.203, 373.216 — .249 FS.

History — New 9-3-81, Formerly 16K-2.01, Amended 7-4-82, 2-24-85, 11-18-91.

40E-2.331 — Modification of Permits.

(1) A permittee shall apply to the Board for approval of any modification of an unexpired permit pursuant to Section 373.239, Florida Statutes. The Executive Director shall initiate proceedings to modify a permit pursuant to Rule 40E-1.609, F.A.C.

(2) Applications for modification, except letter modifications issued pursuant to subsection (4), shall contain the information required in Rule 40E-2.101, will be evaluated using the criteria specified in Rule 40E-2.301 and will be subject to the limiting conditions specified in Rule 40E-2.381. Modifications shall be approved if criteria in Rule 40E-2.301 are met.

(3) Proposed increases in allocation will be treated as new uses to the extent the proposed allocation exceeds the existing allocation.

(4) (a) Modification of an existing water use permit shall be approved by letter, provided the permit is in compliance with all applicable limiting conditions and the modification request:

1. does not result in an increase in the amount of the permit allocation;

2. does not modify the existing permit expiration date, except that when the permit duration is based upon the current lease expiration date, the permit duration shall be extended by letter modification to the new lease date, but shall not exceed the applicable permit duration pursuant to Rule 40E-2.321;

3. does not potentially interfere with any presently existing legal use of water, cause adverse environmental impacts, saltwater intrusion, pollution of the water resources, adverse impacts to

offsite land uses, or does not otherwise raise issues requiring a Staff determination of whether such impacts would occur pursuant to the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District — ~~October 1997~~", incorporated by reference in Rule 40E-2.091(1); and,

4. does not change the permitted withdrawal source(s) or use classification.

5. does not result in a modification of the permit which must be approved by the Governing Board pursuant to Section 373.239(2), F.S.

(b) The timeframes set forth in Rule 40E-1.606 shall apply to the processing of letter modifications.

(5) (a) Minor modification of an existing water use permit shall be approved provided the permit is in compliance with all applicable limiting conditions and the proposed modification:

1. does not potentially interfere with any presently existing legal use of water, cause adverse environmental impacts, saltwater intrusion, pollution of the water resources, adverse impacts to offsite land uses, or does not otherwise raise issues requiring a Staff analysis and determination of whether such impacts would occur pursuant to the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District", incorporated by reference in Rule 40E-2.091(1);

2. does not modify the existing permit expiration date; and

3. does not result in a modification of the permit which must be approved by the Governing Board pursuant to Section 373.239(2), F.S.

(b) The timeframes set forth in Rule 40E-1.606 shall apply to the processing of minor modifications.

(6) Modification of an existing water use permit pursuant to subsection (4) or (5) shall be issued by staff under delegation of authority by the Governing Board as authorized by this rule.

Specific Authority 373.044, 373.113 FS.

Law Implemented 373.223, 373.229, 373.239 FS.

History — New 9-3-81, Formerly 16K-2.09(1), Amended 4-20-94, 7-11-96, 4-9-97, 12-10-97.

1.8 Definitions

Reduced Threshold Area (RTA) -- ~~An area established by the District for which the threshold separating a General Permit from an Individual Permit has been lowered from a maximum limit of 100,000 gpd to 20,000 gpd. These areas are typically resource depleted areas where there has been an established history of~~

~~sub-standard water quality, saline water movement into ground or surface water bodies or lack of water availability to meet projected needs of a region.~~

1.4 Surface Water Management Concurrency –

If the proposed water use is associated with a project for which a modification to an existing surface water management system is required or for which a new surface water management system is required, the water use permit application will not be considered complete until the surface water management and or Environmental Resource (construction) permit application is deemed complete. If a new or modified surface water management and or Environmental Resource (construction) permit is required in conjunction with the proposed water use, the water use permit may only be issued concurrently with the applicable surface water management and or Environmental Resource (construction) permit or permit modification. A water use permit will not be issued in conjunction with a Surface Water Management and or Environmental Resource conceptual permit

The impact of withdrawals on the Applicant's surface water management system must be evaluated and submitted with the water use permit application. The cumulative withdrawals as a result of the water use request must be evaluated in conjunction with the cumulative drainage effects of the surface water management system.

1.6 Professional Certification of Supporting Documents –

All final plans, calculations, analyses, or other geologic/engineering documents, submitted as part of a permit application are required to be signed and sealed by an appropriate registered professional pursuant to Section 373.117, and Chapter 492 F.S.

1.7 Application Review Process –

The District has established two procedures for issuing permits based on the quantity of water permitted. These two procedures include permit issuance by (1) the Governing Board for individual permits and (2) District staff for general permits. Individual permits must be obtained for water use activities that are not exempt pursuant to Rule 40E-2.051 and that do not fall within the thresholds for general permits established in Rule 40E-20.302. The permit application will be processed pursuant to Rule 40E-1.603 for individual and general permits. ~~and pursuant to Rule 40E-1.606 for general permits. Specifically, these rules~~ This rule sets forth procedures for filing applications, requests for additional information, permit application modification, public noticing of permit applications, and requests for administrative hearings.

A water user should obtain one permit for all withdrawals that are intended to serve contiguous property. For example, an agricultural operation that has multiple wells on a contiguous parcel of land shall apply for one permit. ~~The application shall include information about each well or withdrawal facility.~~

Applicants with legal control over multiple non-contiguous parcels within a county ~~in the same locale~~ may apply for one permit encompassing all such parcels, provided that it is shown that the water use for each parcel is in the same water use classification. If multiple water use classifications, such as drinking water and landscape irrigation, are served by separate withdrawal facilities, separate water use permits shall be required for each use.

2.2.1 Annual ~~Withdrawal~~ Allocation

The annual ~~withdrawal quantity~~ allocation is determined by calculating the quantity of water to be withdrawn over a 12 month time period under a 1 in 10 drought condition for the associated use class. Applicants, other than irrigation uses, must determine the annual quantity by adding the quantities required by each component of demand for the particular use. The total demand is then considered along with other factors affecting withdrawals such as treatment losses; other sources of water; conservation practices employed and water purchased, sold, or transferred to determine the annual withdrawal quantity. For irrigation uses, the annual allocation is determined under section 2.3.2. of this Basis of Review

2.2.2 Maximum Monthly ~~Withdrawal~~ Allocation

The maximum monthly ~~withdrawal~~ allocation is ~~specific to irrigation type uses and represents the greatest quantity permitted to be withdrawn in any single month.~~ The maximum monthly ~~withdrawal~~ allocation is determined by identifying the peak month demand under the 1 in 10 drought condition for the associated use class. For irrigation uses, the maximum monthly allocation is determined under section 2.3.2. of this Basis of Review

2.2.3 Maximum ~~Daily Withdrawal~~ Day Allocation

The maximum ~~daily withdrawal~~ day allocation is the maximum quantity of water permitted to be used, withdrawn or diverted in any single 24 hour period. This quantity is permitted to account for ~~peak day demands associated with use classes such as public water supply, dewatering, or industrial.~~ A maximum daily allocation shall also be identified associated with frost/freeze protection for agricultural water use permits.

2.6.4 Maximum Monthly Daily Peaking Ratio: Public Water Supply

The recommended maximum monthly daily allocation for a public water supply general or individual permit is based on the average monthly daily demand for the duration of the permit times the maximum monthly daily to average monthly daily peaking ratio. ~~The maximum daily peaking ratio shall be determined based on historical use patterns. The methodology used in determining the maximum daily peaking ratio will depend upon available data. The maximum daily peaking ratio is calculated by dividing the historical maximum daily withdrawal by the average daily withdrawal for twelve months of record.~~

Listed below are methodologies used to calculate the maximum monthly to average monthly daily peaking ratio depending on the available data. Extensive non-domestic use may cause variations in methodologies.

- A. In cases where several years of pumpage records are available, the maximum monthly daily peaking ratio is calculated for each year. The ratio is generally the average of the last three years of record unless changes in the historic water use patterns, such as a projected significant increase towards commercial/industrial demands, the applicant entering into new large user agreements with other parties etc., require the use of a more representative timeframe.
- B. For proposed developments, a ratio between 1.3 4-5 and 1.7 2-0 will be used, depending upon the operation of the utility, although engineering documents justifying a different ratio will be considered.
- C. When a utility operates more than one treatment plant and the plants operate independently (no interconnections), the maximum monthly daily peaking ratio must be determined for each treatment plant and its associated wellfield(s).

BOR 5.2.3 Irrigation

- D. The Permittee shall complete a 'Report of Planting and Harvest of Seasonal Crops' form upon completion of the harvest of each seasonal crop planting. The report shall be submitted with the appropriate 'Quarterly Report of Withdrawals From Wells and Surface Water Pumps' form.